

1 SB3
2 132873-1
3 By Senator Taylor
4 RFD: Judiciary
5 First Read: 07-FEB-12
6 PFD: 06/10/2011

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8 SYNOPSIS: Existing law provides that the crime of
9 possession of a gambling device is a Class A
10 misdemeanor.

11 This bill would provide that possession of a
12 gambling device in furtherance of a business
13 enterprise would be a Class C felony.

14 Amendment 621 of the Constitution of Alabama
15 of 1901, now appearing as Section 111.05 of the
16 Official Recompilation of the Constitution of
17 Alabama of 1901, as amended, prohibits a general
18 law whose purpose or effect would be to require a
19 new or increased expenditure of local funds from
20 becoming effective with regard to a local
21 governmental entity without enactment by a 2/3 vote
22 unless: it comes within one of a number of
23 specified exceptions; it is approved by the
24 affected entity; or the Legislature appropriates
25 funds, or provides a local source of revenue, to
26 the entity for the purpose.

1 The purpose or effect of this bill would be
2 to require a new or increased expenditure of local
3 funds within the meaning of the amendment. However,
4 the bill does not require approval of a local
5 governmental entity or enactment by a 2/3 vote to
6 become effective because it comes within one of the
7 specified exceptions contained in the amendment.
8

9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 To amend Section 13A-12-27 of the Code of Alabama
14 1975, relating to possession of a gambling device in
15 furtherance of a business enterprise; to provide that
16 possession of a gambling device would be a Class C felony; and
17 in connection therewith would have as its purpose or effect
18 the requirement of a new or increased expenditure of local
19 funds within the meaning of Amendment 621 of the Constitution
20 of Alabama of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of Alabama of 1901,
22 as amended.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 13A-12-27 of the Code of Alabama
25 1975, is amended to read as follows:

26 "§13A-12-27.

1 "(a) A person commits the crime of possession of a
2 gambling device if with knowledge of the character thereof he
3 manufactures, sells, transports, places or possesses, or
4 conducts or negotiates any transaction affecting or designed
5 to affect ownership, custody or use of:

6 "(1) A slot machine; or

7 "(2) Any other gambling device, with the intention
8 that it be used in the advancement of unlawful gambling
9 activity.

10 "(b) Possession of a gambling device is a Class A
11 misdemeanor.

12 "(c) Possession of a gambling device in furtherance
13 of a business enterprise is a Class C felony."

14 Section 2. Although this bill would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds, the bill is excluded from further
17 requirements and application under Amendment 621, now
18 appearing as Section 111.05 of the Official Recompilation of
19 the Constitution of Alabama of 1901, as amended, because the
20 bill defines a new crime or amends the definition of an
21 existing crime.

22 Section 3. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.